

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

WILLIE JAMES PEETE,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,

Defendant.

Case No. 3:10-CV-05828-JRC

ORDER OF REMAND


This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. (See also Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 5; Consent to Proceed Before a United States Magistrate Judge, ECF No. 9.) This matter is before the Court on the parties' stipulated motion to remand the matter to the administration for further consideration. (ECF No. 17.)

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge (ALJ) shall reassess all of the medical evidence of record, including but not limited to the opinions of Anita

Peterson, Ph.D.; Ashok I. Khushalanie, M.D.; Robert Hoskins, M.D. (Tr. 211-18, 235); and John C. Lowry, D.O. The ALJ also shall update the record with an orthopedic examination and shall, if necessary, consider obtaining additional medical expert testimony in the area of mental health. The ALJ also shall assess the lay statement of Karen Rojo, and shall re-assess Plaintiff's credibility and residual functional capacity. The ALJ shall obtain additional vocational expert testimony, if necessary, and shall ensure that the hypothetical question to the vocational expert includes all of the limitations set forth in Plaintiff's residual functional capacity. Finally, Plaintiff filed a subsequent claim in January 2011 that is now pending at the hearing level. On remand, this claim and the subsequent claim should be consolidated.

Plaintiff is entitled to reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412(d), upon proper request to this Court.

DATED this 30th day of March, 2011.

A handwritten signature in black ink, appearing to read "J. Richard Creatura", written over a horizontal line.

J. Richard Creatura
United States Magistrate Judge